



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

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In the matter of the request of)	
MOROGI'S, INC.)	
22450-22452 Pontiac Trail)	Request ID No. 536067
South Lyon, Michigan 48178)	
)	
Lyon Township Oakland County)	
)	

At the December 13, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Southfield, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Teri L. Quimby, Commissioner
Dennis Olshove, Commissioner

LICENSING APPEAL ORDER

On February 16, 2010, Morogi's, Inc. (applicant) filed a request for a new SDD license and new Sunday Sales Permit (P.M.), to be held in conjunction with an existing SDM license with Sunday Sales Permit (A.M.) at the above-noted location.

At a meeting held on September 12, 2012, the Commission denied this request under administrative rule R 436.1133 because there is an existing SDD licensee located within 2,640 feet of the proposed location (Busch's, Inc.) and the applicant does not qualify for a waiver under administrative rule R 436.1133 relative to that licensed outlet.

Sole stockholder, Nidal Potrs submitted a timely request for an appeal in this matter and represented the applicant at the November 15, 2012 hearing, held at the Commission's Southfield office. The Commission tabled this matter on November 15, 2012 to allow Ms. Potrs to retain legal representation and placed the matter on its December 13, 2012 meeting agenda, held at the Commission's Southfield office.

After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record, the Commission does not find error with the application of the MLCC Code or MLCC Administrative Rules. Specifically, the applicant does not qualify for a waiver under administrative rule R 436.1133. For the reasons stated on the record, the previous order is affirmed.

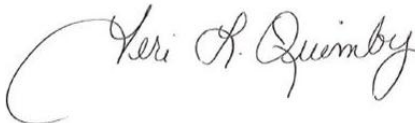
Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation and sale thereof under MCL 436.1201(2).

THEREFORE, IT IS ORDERED that the denial order of September 12, 2012, issued in this matter is AFFIRMED.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner



Prepared by:
Terri Chase, Commission Aide

Date Mailed: _____



-STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

* * * * *

In the matter of the request of)

RD VENTURES, INC.)

7759 Auburn)

Utica, Michigan 48317)

Macomb County)

Request ID No. 630580

At the December 13, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Southfield, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Teri L. Quimby, Commissioner
Dennis Olshove, Commissioner

LICENSING APPEAL ORDER

On December 20, 2011, RD Ventures, Inc. (applicant) filed a request to transfer ownership of a 2011 Class C license with Sunday Sales Permit (P.M.), Dance-Entertainment Permit, Specific Purpose Permit (Food), and two (2) Bars from Ice Time Enterprises, Inc., to be held at the above-noted location. The license and permits were renewed for the 2012-2013 licensing year on April 16, 2012.

At a meeting held on October 19, 2012, the Commission denied this request under MCL 436.1523 after considering the applicant will obtain a loan for the majority of the funds needed for this transaction from Daniel B. Jaraczewski, who is a Reserve Deputy for the Macomb County Sheriff Department and will hold an indirect interest in the license through a security interest in the license.

Attorney Lisa Hamameh submitted a timely request for an appeal in this matter and represented the applicant at the December 13, 2012 hearing, held at the Commission's Southfield office.

After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record, the Commission finds that the applicant sufficiently demonstrated through updated documents that the previous questions concerning this application have been satisfactorily addressed. Specifically, Mr. Jaraczewski submitted a resignation letter to the Macomb County Sheriff Department dated November 26, 2012. Further, a letter dated November 29, 2012 was submitted to Mr. Jaraczewski from the Macomb County Sheriff Department notifying that his position was eliminated.

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation and sale thereof under MCL 436.1201(2).

The applicant is authorized to do business in Michigan, as required under MCL 436.1535 for licensure. Under MCL 436.1537(1)(b), the licensee may sell beer, wine, mixed spirit drink and spirits for consumption on the premises.

The Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's request for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The denial order of October 19, 2012 issued in this matter is reversed and the applicant's request is APPROVED, subject to the following:

1. The licensee shall submit to the Commission verification that RD Ventures, Inc. received a loan in the amount of \$72,500.00 from Daniel B. Jaraczewski.

2. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners".
3. The licensee shall submit proof of financial responsibility providing security for liability as required under MCL 436.1803. Failure to maintain proof of financial responsibility providing security for liability will result in the immediate suspension of the subject license and permits until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.
4. The licensee shall provide documentary proof to the Commission to demonstrate that, at a minimum, supervisory personnel on each shift and during all hours in which alcoholic liquor is served have successfully completed a server training program approved by the Commission as required under MCL 436.1501(1), within 180 days from issuance of the license and permits, as provided in administrative rule R 436.1060.
 - a. The licensee shall maintain active certification of completion for server training on the licensed premises at all times as provided in administrative rule R 436.1060.
 - b. Failure to provide this documentary proof to the Commission within 180 days from issuance of the license and permits shall result in the licensee being charged with failure to comply with this order, under administrative rule R 436.1029, which may result in fines, suspension and/or revocation of the license and permits.

B. Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of the license and permits by the Michigan Liquor Control Commission

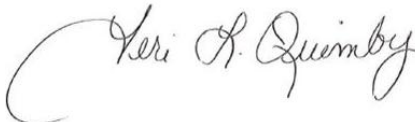
does not waive any of these requirements. The licensee shall obtain all other required state and local licenses, permits, and approvals before selling or serving alcoholic liquor.

C. Failure to comply with all requirements of licensure in the State of Michigan will result in the licensee being charged with a violation of the Michigan Liquor Control Code, MLCC Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of the license and permits.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner



Prepared by:
Terri Chase, Commission Aide

Date Mailed: _____